

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Rasenberger	Team: Squad #7	CCRB Case #: 201907272	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/05/2019 3:57 PM, Wednesday, 08/07/2019	Location of Incident: [REDACTED]	Precinct: 49	18 Mo. SOL 2/5/2021	EO SOL 9/22/2021	
Date/Time CV Reported Wed, 08/07/2019 3:12 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/15/2019 10:47 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Julio Rosa	13294	931088	PBBX SU

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Mejia	17053	960928	049 PCT
2. POM Jason Carpano	16911	960329	PBQ/N
3. SGT Dagoberto Rodriguez	02631	944944	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Julio Rosa	Force: On August 5th, 2019, Police Officer Julio Rosa used physical force against § 87(2)(b) at § 87(2)(b) Hospital in the Bronx.	[REDACTED]
B.POM Julio Rosa	Force: On August 5th, 2019, Police Officer Julio Rosa used physical force against § 87(2)(b) at § 87(2)(b) Hospital in the Bronx.	[REDACTED]
C.POM Julio Rosa	Force: On August 5, 2019, Police Officer Julio Rosa used physical force against § 87(2)(b) at § 87(2)(b) Hospital in the Bronx.	[REDACTED]
D.POM Julio Rosa	Force: On August 5th, 2019, Police Officer Julio Rosa used a chokehold against § 87(2)(b) at § 87(2)(b) Hospital in the Bronx.	[REDACTED]
E.POM Julio Rosa	Abuse: On August 7th, 2019, Police Officer Julio Rosa did not obtain medical treatment for § 87(2)(b) at § 87(2)(b) Hospital in the Bronx.	[REDACTED]

Case Summary

On August 15th, 2019, the CCRB received IAB log # 2019-30558, which included the following complaint on behalf of § 87(2)(b) [BR 01].

On August 5th, 2019, at the § 87(2)(b) § 87(2)(b) Hospital in the Bronx, a woman accused § 87(2)(b) of stealing her purse. Hospital security personnel viewed surveillance footage and alerted Police Officer Julio Rosa of the Bronx Evidence Collection Unit. PO Rosa, who was working a paid detail at the hospital, responded to the waiting room and ordered § 87(2)(b) to stand up multiple times, in order to ascertain whether the complainant's purse was somewhere on § 87(2)(b)'s person. § 87(2)(b) did not comply. When PO Rosa placed § 87(2)(b) under arrest, § 87(2)(b) resisted. PO Rosa used a forcible take down (**Allegation A: Force**, § 87(2)(g)). Once § 87(2)(b) was on the ground, PO Rosa allegedly placed his knee on § 87(2)(b)'s right cheek and jaw (**Allegation B: Force**, § 87(2)(g)). After § 87(2)(b) was in handcuffs, PO Rosa, along with Hospital security personnel, allegedly dragged § 87(2)(b) to the Hospital security office (**Allegation C: Force**, § 87(2)(g)) during which time PO Rosa allegedly held § 87(2)(b) by the collar of shirt while pressing down on § 87(2)(b)'s neck with an open palm (**Allegation D: Force - Chokehold**, § 87(2)(g)).

Two days later, on August 7th, 2019, § 87(2)(b) went to § 87(2)(b) Hospital to seek treatment for a jaw injury. When § 87(2)(b) entered the lobby, PO Rosa, who was working a paid detail at § 87(2)(b) Hospital, allegedly prevented § 87(2)(b) from obtaining treatment (**Allegation E: Abuse of Authority**, § 87(2)(g)).

Findings and Recommendations

Allegation A – Force: On August 5th, 2019, Police Officer Julio Rosa used physical force against § 87(2)(b) at § 87(2)(b) Hospital.

§ 87(2)(b) was interviewed at the CCRB on October 1st, 2019 [BR 02]. He stated that he was in a waiting room at the § 87(2)(b) Hospital (hereafter, § 87(2)(b) Hospital) when a man and woman accused him of stealing the woman's purse. Multiple hospital security officers entered the room and instructed § 87(2)(b) to stand up multiple times, but § 87(2)(b) refused to stand up. The security officers cleared the waiting room of other patients, before picking § 87(2)(b) up from the bench he was sitting on and "slamming" him to the ground.

PO Rosa provided a statement to the CCRB on January 14th, 2020 [BR 04]. The § 87(2)(b) Hospital security supervisor alerted PO Rosa that § 87(2)(b) was captured on camera stealing a woman's purse. PO Rosa intended to retrieve the female complainant's purse and then escort § 87(2)(b) from the hospital premises.

PO Rosa stated to the CCRB that, inside of the § 87(2)(b) waiting room, he repeatedly asked § 87(2)(b) to stand up. § 87(2)(b) refused each time and was generally belligerent. PO Rosa tried to stand § 87(2)(b) up so that he could determine whether § 87(2)(b) had the purse behind his back. When PO Rosa first made physical contact with § 87(2)(b) § 87(2)(b) resisted arrest by jerking back.

PO Rosa then placed § 87(2)(b) under arrest. A number of security officers assisted PO Rosa. PO Rosa was able to pick § 87(2)(b) up, and then brought him to the ground. PO Rosa brought § 87(2)(b) to the ground because he had been flailing his arms and jerking back, and PO Rosa did not want to allow § 87(2)(b) to remain standing and, thus, capable of posing a physical threat. § 87(2)(b) kicked and flailed his arms while PO Rosa tried to restrain him.

§ 87(2)(b), § 87(2)(g)

Surveillance footage [BR 05] from the § 87(2)(b) Hospital waiting room shows that § 87(2)(b) appears to steal a purse from a woman sitting next to him (2:08-3:00). At 13:12 minutes, PO Rosa enters the waiting room, and speaks at length with § 87(2)(b) who remains seated. PO Rosa clears the waiting room of patients and, at 17:27, stands § 87(2)(b) up and pulls or propels him to the ground. In the course of the takedown, § 87(2)(b) § 87(2)(b)'s cheek or jaw hits the armrest of a chair.

§ 87(2)(b), § 87(2)(g)

However, the video footage shows PO Rosa first approaching § 87(2)(b) from § 87(2)(b) § 87(2)(b)'s right side, then leaning toward § 87(2)(b) before suddenly leaning away from § 87(2)(b) § 87(2)(b) and approaching his right side (17:24-17:27). This evidence is not inconsistent with PO Rosa's statement that when he first approached § 87(2)(b) § 87(2)(b) resisted by jerking back, thus forcing PO Rosa to alter his approach and use additional force. Given the general consistency between PO Rosa's testimony and the video evidence, the investigation credits PO Rosa's statement that § 87(2)(b) § 87(2)(b) jerked back or pulled his arms back when PO Rosa tried to stand him up.

NYPD Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody [BR 06].

§ 87(2)(b), § 87(2)(g)

Allegation B – Force: On August 5th, 2019, Police Officer Julio Rosa used physical force against § 87(2)(b) at § 87(2)(b) Hospital.

Allegation C – Force: On August 5th, 2019, Police Officer Julio Rosa used physical force against § 87(2)(b) at § 87(2)(b) Hospital.

Allegation D – Force: On August 5th, 2019, Police Officer Julio Rosa used a chokehold against § 87(2)(b) at § 87(2)(b) Hospital.

In his CCRB testimony, § 87(2)(b) stated that once he'd been brought to the ground, PO Rosa and hospital security officers restrained him. During this time, PO Rosa knelt by § 87(2)(b) and put his knee on § 87(2)(b)'s right cheek and jaw.

After handcuffing § 87(2)(b) PO Rosa, along with the security officers, lifted § 87(2)(b) from the floor and dragged him to another room. During this time, PO Rosa held the collar of § 87(2)(b)'s shirt while bracing one of his palms against § 87(2)(b)'s neck, thus constricting § 87(2)(b)'s neck. PO Rosa then transported § 87(2)(b) from the hospital to the stationhouse for processing.

Hospital surveillance footage shows that between 17:31 and 18:52, PO Rosa and hospital security personnel attempt to restrain § 87(2)(b). During this period, PO Rosa and hospital security officers obstruct the camera's line of sight at times; therefore, the video evidence is not dispositive as to whether PO Rosa ever placed his knee on § 87(2)(b)'s cheek or jaw. The video evidence does show that PO Rosa was not involved in removing § 87(2)(b) from the hospital waiting room. PO Rosa left the waiting room ten seconds after § 87(2)(b) had walked out under his own power, while being escorted by security guards (19:05-19:22). § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation E - Abuse of Authority: On August 7th, 2019, Police Officer Julio Rosa refused to provide § 87(2)(b) medical treatment at § 87(2)(b) Hospital.

On August 7th, 2019, § 87(2)(b) went to § 87(2)(b) Medical Center in order to have his jaw examined. § 87(2)(b) encountered PO Rosa at the hospital and PO Rosa stated "You're not allowed in here. Remember what happened at § 87(2)(b)? I'm back." PO Rosa was joking and laughing as he said this. § 87(2)(b) contacted the Internal Affairs Bureau and detectives responded. The IAB detectives brought PO Rosa outside of the hospital and told him that he could not deny § 87(2)(b) access to the hospital or medical treatment. § 87(2)(b) proceeded inside to complete his exam.

Sgt. Rodriguez responded to § 87(2)(b) Hospital on August 7th, 2019, at the request of the Internal Affairs Bureau, and interviewed § 87(2)(b) in a treatment facility at the hospital [see BWC in BR 03]. In the footage, § 87(2)(b) was consistent with his above statement describing PO Rosa as having a big smile on his face and telling him that he was not allowed in § 87(2)(b) Hospital. Sgt. Rodriguez's BWC footage shows that he then interviews § 87(2)(b) Hospital security guards. One of the guards states that § 87(2)(b) did not exchange any words with PO Rosa. Sgt. Rodriguez then interviews PO Rosa, who states that on that day, August 7th, 2019, § 87(2)(b) entered the hospital and stated "Officer Rosa," and threatened to sue him. PO Rosa then told a security guard about the incident on August 5th, 2019 and asked him to keep an eye on § 87(2)(b).

In his interview at the CCRB, PO Rosa stated that on August 7th, 2019, he was working a paid detail at § 87(2)(b) Hospital, and was monitoring the lobby area, when he heard someone say "Oh, Officer Rosa." PO Rosa turned around and saw § 87(2)(b) and stated something to the effect of "oh, you're out already." PO Rosa denied stating to § 87(2)(b) "remember what happened at § 87(2)(b) and denied preventing § 87(2)(b) from entering or obtaining medical treatment at the hospital. Further, § 87(2)(b) did not accuse PO Rosa of preventing him from entering or obtaining medical treatment.

Sgt. Rodriguez was interviewed at the CCRB on October 23rd, 2019 [BR 07]. When he interviewed § 87(2)(b) at § 87(2)(b) § 87(2)(b) seemed "crazy" and "like an EDP." He talked nonsensically and about irrelevant matters.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories.

- § 87(2)(b)
§ 87(2)(b)
■ § 87(2)(b)
§ 87(2)(b)
■ § 87(2)(b)
§ 87(2)(b)
- PO Rosa has been a member of service for seventeen years and has never been named as a subject in a CCRB complaint.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation
- As of February 13th, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident [BR 09].

§ 87(2)(b)

§ 87(2)(b)

[Redacted text block containing approximately 20 lines of blacked-out content]

Squad No.: 7

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
		Manager Vanessa Rosen	April 28, 2020
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date